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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

| | | |
|-----------------------------|---|-----------------------------------|
| UNITED STATES OF AMERICA, |) | CR 07-0428 MMC |
| |) | |
| Plaintiff, |) | STIPULATION AND [PROPOSED] TRAVEL |
| |) | ORDER |
| vs. |) | |
| |) | |
| CARMEN CHAN and PAUL LEUNG, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

At the initial setting of the bond and Conditions of Pretrial Release in this matter, defendants PAUL LEUNG and CARMEN CHAN requested that they be permitted to travel internationally for business, family and pleasure as a condition of their release. Magistrate James Larson suggested that a stipulation be prepared by the parties setting forth the prospective travel dates and submitted to the court for approval. Defendants submitted the proposed travel itineraries to AUSA Denise Barton and the government objected to defendant Carman Chan's proposed travel request.

On August 14, 2007 by noticed motion Defendants PAUL LEUNG and CARMEN CHAN, husband and wife, sought court approval to travel to the locations listed below on the following dates:

Hong Kong from August 21, 2007 to September 4, 2007

1 Hong Kong from October 2, 2007 to October 18, 2007

2 Hong Kong from November 13, 2007 to November 30, 2007¹

3 Japan from December 10, 2007 to December 18, 2007

4 Hong Kong December 29, 2007 to January 21, 2008.

5 At the August 14, 2007 hearing Pretrial Services officer Betty Kim informed the court that
6 Pretrial Services did not oppose the defendants request. The court was informed that each defendant had
7 posted \$100,000 cash deposit with the clerk of the court as a condition of their pretrial release. The
8 court approved defendants proposed travel schedule.

9 AUSA Denise Barton arrived late for the hearing due to other court matters. The court met with
10 counsel for both parties in chambers where the court heard and considered the government's objections
11 regarding the requested travel.

12 The court then modified the initial travel order approving the first trip to Hong Kong from
13 August 21, 2007 to September 4, 2007 and reserving judgment on the remaining proposed trips
14 indicating that if the initial travel was completed without incident the court most likely would approve
15 subsequent travel requests of the parties.

16 Defendants PAUL LEUNG and CARMEN CHAN successfully completed their travel to Hong
17 Kong from August 21, 2007 to September 4, 2007 and returned without incident. They similarly
18 successfully completed their second trip to Hong Kong from October 2, 2007 to October 18, 2007.
19 Pretrial services has been informed of defendant's request for the instant travel order and has no
20 objection to the request.

21 As such, the parties HEREBY STIPULATE that defendants be permitted to travel to Hong Kong
22 November 15, 2007 to no later than December 10, 2007.

23 SO STIPULATED.

24 DATED: November 7, 2007

25 /s/ Denise Marie Barton

/s/Garrick S. Lew

/s/Matthew A. Siroka

26 Counsel for the Government

Counsel for Defendant
Carmen Chan

Counsel for Defendant
Paul Leung

27 _____
28 ¹ Since the initial application, defendants' business needs and meetings have changed. Defendants anticipate they may be able to return earlier than December 10, but in an abundance of caution have requested the later date as there are some last minute meetings they may need to attend.

ORDER

Good cause appearing;

IT IS HEREBY ORDERED that defendants PAUL LEUNG and CARMEN CHAN, husband and wife, be permitted to travel to Hong Kong from November 15, 2007 to December 10, 2007.

IT IS FURTHER ORDERED that the Clerk of the Court return the passports of PAUL LEUNG and CARMEN CHAN to each defendant prior to the departure date of November 15, 2007 and that each defendant redeposit their passports with the Clerk of the Court no later than five days after their return in December, 2007.

DATED: November ____, 2007

United States Magistrate Judge James Larson